

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNAMARIE TROMBETTA,

Plaintiff,

-v-

NORB NOVOCIN, MARIE NOVOCIN, ESTATE  
AUCTIONS, INC., AND WORTHPOINT  
CORPORATION,

Defendants.

CIVIL ACTION NO.: 18 Civ. 993 (RA) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge:

The Court is in receipt of pro se Plaintiff Annamarie Trombetta's ("Ms. Trombetta") letter dated February 21, 2023, (ECF No. 373), and Defendant WorthPoint Corporation's ("WorthPoint") response dated February 22, 2023, (ECF No. 374), and orders as follows:

- (1) The Court deemed fact discovery closed as of December 19, 2022, (see ECF No. 340), meaning that no party could serve any discovery requests on any other party or non-party after that date absent prior permission from the Court. To date, no party has requested such permission, and accordingly, any requests that have been served are improper, untimely, and do not require a response.
- (2) The deadline for initial expert reports was **Monday, December 19, 2022**, (see ECF Nos. 333; 340 at 2), and the deadline for rebuttal reports was **Tuesday, February 7, 2023**. (ECF Nos. 361; 367). To the extent that any party served their experts' reports after these deadlines, they failed to comply with the Court's Orders (ECF Nos. 361; 367), and their experts' reports are subject to being stricken. See In re Bear Stearns Companies, Inc. Sec., Derivative, & ERISA Litig., 263 F. Supp. 3d

446, 452 (S.D.N.Y. 2017) (collecting cases); see also Advanced Analytics, Inc. v. Citigroup Glob. Markets, Inc., 301 F.R.D. 47, 52 (S.D.N.Y. 2014).

(3) The deadline to complete expert depositions remains **Wednesday, March 1, 2023**.

(See ECF Nos. 361; 367). Any party who fails to make their expert available for deposition before that deadline, absent a showing of good cause, risks having such expert precluded. See Valentin v. Cnty. of Suffolk, 342 F. App'x 661, 662 (2d Cir. 2009); Semi-Tech Litig. LLC v. Bankers Tr. Co., 219 F.R.D. 324, 325 (S.D.N.Y. 2004); Venite v. St. Luke's/Roosevelt Hosp., No. 01 Civ. 4067 (SAS), 2002 WL 1461493, at \*2 (S.D.N.Y. July 3, 2002).

(4) As the Court has previously explained, the parties must follow the deadlines the Court has set, (see ECF Nos. 221; 236; 238; 244; 271; 286; 297; 302; 321; 333; 340; 364; 367), which supersede the default deadlines in Federal Rule of Civil Procedure 26(a)(2)(D). See Fed. R. Civ. P. 26(a)(2)(D) ("A party must make these disclosures at the times and in the sequence that the court orders.").

(5) To the extent WorthPoint seeks a conference with the Court, the request is DENIED as moot.

The Clerk of Court is respectfully directed to (i) close ECF No. 374, and (ii) mail a copy of this Order to Ms. Trombetta at the address below.

Dated: New York, New York  
February 23, 2023

SO ORDERED.

  
SARAH L. CAVE  
United States Magistrate Judge

Mail To: Annamarie Trombetta  
175 East 96<sup>th</sup> Street, Apt 12R  
New York, New York 10128